

FILED

SEP 19 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
4

5 TORIANO GERMAINE HUDSON SR.

CASE NO: CV-15-00787SI

6 PLAINTIFF,

7 V.

SETTLEMENT PROPOSAL

8 RICHMOND POLICE DEPARTMENT, et al.,

\$ 175,000⁰⁰

9 DEFENDANTS.
10
11

12 I AM ENTITLED TO A JURY TRIAL
13 TO PROVE MY CASE UNDER CAL. CIV. CODE
14 § 52.1. AFTER FURTHER RESEARCH I
15 HAVE BEEN ADVISED TO SETTLE FOR THE
16 SUM OF \$ 175,000⁰⁰. THAT'S THE \$ 25,000⁰⁰
17 FOR EACH OFFICER LISTED IN THIS CLAIM.

18 REGARDING THE OFFICERS WHO HIT ME, A
19 SPLIT SECOND JUDGEMENT WAS NOT REQUIRED, AND
20 MATERIAL ISSUES OF FACT EXIST AS TO WHETHER
21 THE OTHER OFFICERS ON THE SCENE HAD THE
22 OPPORTUNITY TO PREVENT OFFICERS ANTHONY DIAZ,
23 MIKE BROWN, IAN REID, AND MATT STONEBRAKERS
24 USE OF EXCESSIVE FORCE.

25 AS IN SAUNDERS V. DUKE (2014 CA 11 FL2)
26 MY HEAD WAS SLAMMED AGAINST THE
27 PAVEMENT WITH EXTREME FORCE WHEN I
28 HAD BEEN HANDCUFFED AND WAS LYING IN

1 PRONE POSITION ON THE GROUND. THE FORCE
 2 USED WAS UNNECESSARY, DISPROPORTIONATE,
 3 AND CONSTITUTIONALLY EXCESSIVE. THE INJURIES-
 4 LACERATIONS, INJURIES TO TEETH AND JAW,
 5 DAMAGES TO EARDRUM AND EMOTIONAL DIS-
 6 TRESS WERE NOT DE MINIMIS.

7 THE AMOUNT OF FORCE USED AGAINST
 8 ME WAS INAPPROPRIATE UNDER THE CIR-
 9 CUMSTANCES, INFLECTED DISCERNABLE INJURY,
 10 AND WAS APPLIED MALICIOUSLY AND SADISTICALLY
 11 FOR THE VERY PURPOSE OF CAUSING ME HARM.

12 THE EVIDENCE ALSO SHOWS THAT THE
 13 OFFICERS USED VARIOUS TYPES OF FORCE ON
 14 ME WHILE I WAS NOT RESISTING, WAS IN
 15 HANDCUFFS AND WAS ON MY STOMACH. WALTON
 16 V. GOMEZ (IN RE ESTATE OF BOOKER) (2014, CA 10 COLO)
 17 745 F.3d 405
 18
 19
 20

21 DATED: RESPECTFULLY SUBMITTED,
 22 SEPTEMBER 13TH 2016 TORIANO G. HUDSON SR.
 23 Toriano Hudson
 24
 25
 26
 27

28 COPIES TO DEFENDANTS & COURTS